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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,743	09/20/2000	Eric Rosen	990341	8448
23696	7590	11/29/2005	EXAMINER HARPER, KEVIN C	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,743	Applicant(s) ROSEN ET AL.	
	Examiner Kevin C. Harper	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 46-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 46-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, filed September 20, 2005 with respect to the claims have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Le in view of Chuah.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8 and 46-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le (US 6,466,585) in view of Chuah et al. (US 6,735,190).

1. Regarding claims 8 and 46-54, Le discloses a system (fig. 3) for reducing transmission overhead in a communication system (col. 4, lines 9-20). The system comprises a communication device (fig. 3, item 12) and a receiving station (item 34). The communication device comprises an inherent processor for generating a data origination message (col. 8, lines 6-21) to initiate communication with a receiving station, for transmitting in a subsequent data frame information needed to construct data network header information at the receiving station (col. 9, lines 33-40; col. 8, lines 6-21; col. 9, lines 18-21), and for subsequently formatting information to be transmitted according to a pre-determined format lacking data network header information (fig. 6; col. 9, lines 4-8; col. 9, lines 48-50). The communication device also comprises a transceiver (fig. 3, item 66; fig. 1, item 12) for transmitting the data origination message, information to construct datagrams at the receiving station, and formatted information. The receiving station comprises a transceiver (fig. 3, item 68) for receiving the information to construct datagrams and providing the information to an inherent second processor (item 116).

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The second processor configures a data packet generator (item 116) to generate datagrams to a destination data network address (item 14) across a data network (item 78) by storing information needed to construct datagrams (col. 9, lines 20-21). The packet generator generates datagrams in accordance with a data network protocol having an associated header comprising information from an inherent storage device (col. 9, lines 17-18). The formatting produces vocoder-like frames (col. 7, lines 12-21; col. 9, lines 48-50; col. 11, lines 11-13).

2. However, Le does not disclose transmitting at least one full datagram to the receiving station and removing data network header information from subsequent datagrams prior to formatting. Chuah discloses transmitting at least one full datagram and then reducing data network header information from subsequent datagrams (col. 2, lines 30-40; col. 16, lines 18-32). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit full datagrams and then transmit datagrams with no network headers in the invention of Le in order to avoid processing delays associated with data network header removal when data network header removal is not beneficial (Chuah, col. 16, lines 12-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

November 25, 2005